



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 6, 2007

ITEM NUMBER:

SUBJECT APPEAL OF PLANNING APPLICATION PA-05-30
(SIX MONTH TIME EXTENSION FOR PA-94-24 AND PA-04-12)
1100 BRISTOL STREET - BRISTOL STREET MINI-STORAGE

DATE: FEBRUARY 22, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136


RECOMMENDATION:

Conduct a public hearing and adopt resolution to uphold, reverse, or modify Planning Commission's decision.

BACKGROUND:

The subject application was continued from the February 20, 2007, City Council meeting. The previous agenda reports containing additional background information, along with updated resolutions, are attached for reference.


WENDY SHIH
Associate Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachment: City Council Agenda Report dated February 20, 2007
County of Orange Letter Dated January 24, 2007
City Council Agenda Report dated September 20, 2005

Distribution: City Manager
Asst. City Manager
City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Lee Jamieson
BSMS
P.O. Box 82515
Bakersfield, CA 93380

County of Orange
Resources & Development Management Dept.
Attn: Tony Ferrulli
300 N. Flower Street
Santa Ana, CA 92702

File: 030607PA0530CONT	Date: 022207	Time: 3:30 p.m.
------------------------	--------------	-----------------

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA DENYING PLANNING APPLICATION PA-05-
30**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Bristol Street Mini Storage, LLC, representing County of Orange, owner of real property located at 1100 Bristol Street, requesting an extension of time for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility, within the C2 (General Commercial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2005, and PA-05-30 was denied by Planning Commission; and

WHEREAS, the item was appealed by Lee Jamieson of Bristol Street Mini Storage, LLC., to the City Council on August 25, 2005; and

WHEREAS a duly noticed public hearing was held by the City Council on September 20, 2005, and ultimately continued to March 6, 2007;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **DENIES** Planning Application PA-05-30 with respect to the property described above.

PASSED AND ADOPTED this 6th day of March 2007.

Mayor of the City of Costa Mesa

ATTEST:

Deputy City Clerk of the City of Costa Mesa

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA APPROVING PLANNING APPLICATION PA-
05-30**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Bristol Street Mini Storage, LLC, representing County of Orange, owner of real property located at 1100 Bristol Street, requesting an extension of time for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility, within the C2 (General Commercial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2005, and PA-05-30 was denied by Planning Commission; and

WHEREAS, the item was appealed by Lee Jamieson of Bristol Street Mini Storage, LLC., to the City Council on August 25, 2005; and

WHEREAS a duly noticed public hearing was held by the City Council on September 20, 2005, and ultimately continued to March 6, 2007;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **APPROVES** Planning Application PA-05-30 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-05-30 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 6th day of March 2007.

Mayor of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 6th day of March 2007.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

EXHIBIT "A"**FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the development is not compatible with developments in the same general area. Specifically, other than the main driveway entrance, the site is not paved, the structures and site improvements (other than the landscaped front setback) are aesthetically unpleasing, and the storage facility is highly visible from both the Costa Mesa (SR 55) and Corona Del Mar (SR 73) Freeways. Granting the conditional use permit would allow a use which is not in accordance with the intent of the general plan designation for the property.
- B. The project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The development is not compatible with others in the area.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (If Project Is Approved)

- Plng.
1. All applicable conditions of approval for PA-94-24 and PA-04-12 shall continue to be complied with.
 2. The conditional use permit herein approved shall be valid until, and the site shall be vacated by, December 31, 2007, to coincide with termination of the County lease. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 20, 2007

ITEM NUMBER:

SUBJECT APPEAL OF PLANNING APPLICATION PA-05-30
(SIX MONTH TIME EXTENSION FOR PA-94-24 AND PA-04-12)
1100 BRISTOL STREET - BRISTOL STREET MINI-STORAGE

DATE: FEBRUARY 8, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

RECOMMENDATION:

Conduct a public hearing and adopt resolution to uphold, reverse, or modify Planning Commission's decision.

BACKGROUND:

In 1994, the County made the property available for lease for a 10-year period. On April 25, 1994, the Planning Commission approved a conditional use permit (CUP) for a temporary mini-storage facility (Bristol Street Mini-Storage or BSMS) on the property. The CUP was approved for 10 years, to expire on April 25, 2004. The following chart outlines in chronological order further actions since the original CUP approval.

April 12, 2004 (1st Time Extension Request)

Planning Commission approved the applicant's request to extend the CUP from April 25, 2004 to September 1, 2004, to coincide with the expiration date of the County lease.

August 23, 2004 (2nd Time Extension Request)

Planning Commission approved one-year time extension (6 months requested) to expire on September 1, 2005, to allow time for County's RFP process for a future lease on the property.

August 22, 2005 (3rd Time Extension Request)

Planning Commission denied the time extension request and required the site to be vacated by March 1, 2006.

Planning Commission denied this request because a number of new developments have been built in the area since the CUP's original approval in 1994. Commission found that a storage yard comprised of cargo shipping containers is no longer compatible with the area.

August 25, 2005
Applicant filed an appeal of Planning Commission's decision to City Council.
September 20, 2005 to January 16, 2007
City Council postponed the appeal hearing to allow time for discussions between the City, County of Orange, and the Orange County Flood Control District.
January 16, 2007
City Council continued the hearing to February 20, 2007, to allow further discussions between the County and the applicant regarding the lease of the property.

On January 24, 2007, the County issued a letter to BSMS providing notice of lease termination as of December 31, 2007. The letter is attached for reference.


As noted above, the primary reason for the Planning Commission denial of the most-recent time extension is the fact the temporary use of the site as a mini-storage facility is no longer compatible with newer developments and improvements in the immediate area. These improvements include the three-building professional office development at 1120 – 1124 Bristol Street and medical office building at 1202 Bristol Street.

The fact the City considered this use as a temporary or interim use is based on the fact that the original lease with the County and approval of the original CUP were for a defined 10-year period. Also, the City allowed the use to be developed without permanent improvements (use of cargo shipping containers and lack of on-site paving) normally required of similar uses in the City and immediate vicinity, such as the Extra Storage at 1250 Bristol Street. Finally, the January 24 letter from the County acknowledges the use as temporary and has exercised its option to terminate the use.

In a letter dated October 4, 2005, the applicant's attorney raised the issue that the City does not have jurisdiction over the use of the property since it is owned by the County. However, this argument is negated because of the County's and the applicant's consent to have the City review and approve the original CUP in 1994 and subsequent time extensions in 2004 and 2005. Also, this is a common practice in Costa Mesa where private developments and use of other governmental agency-owned land is subject to local land use discretionary review. Examples of this include the Harbor Village and Cornerstone residential developments on the Fairview Developmental Center site, OCC swap meet, and temporary parking lot for Connell Chevrolet on Coast Community College District site.

The original City Council Agenda Report prepared for the September 20, 2005 meeting contains additional background information and analysis and is attached for Council reference.


WENDY SHIH
Associate Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachment: County of Orange Letter Dated January 24, 2007
City Council Agenda Report dated September 20, 2005

Distribution: City Manager
Asst. City Manager
City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Lee Jamieson
BSMS
P.O. Box 82515
Bakersfield, CA 93380

County of Orange
Resources & Development Management Dept.
Attn: Tony Ferrulli
300 N. Flower Street
SANTA ANA, 92702

File: 022007PA0530CONT	Date: 020807	Time: 9:15 a.m.
------------------------	--------------	-----------------



COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Speegle, Director
300 N. Flower Street
Santa Ana, CA

P.O. Box 4048
Santa Ana, CA 92702-4048

Telephone: (714) 834-2300
Fax: (714) 834-5188

January 24, 2007

Charles McCan, President
Bristol Street Mini Storage, LLC
3101 State Road
P. O. Box 82515
Bakersfield, CA 93308

Re: NOTICE OF TERMINATION
F01-311.1, 311.2 - Santa Ana-Delhi Channel Lease

Dear Mr. McCan:

The Orange County Flood Control District ("OCFCD") leased the above referenced property to you on August 3, 1994 for a term of ten years in conjunction with a conditional use permit from the City of Costa Mesa. As you are aware, the original Lease expired August 31, 2004 and the Lease has since been allowed to continue on a month to month holdover.

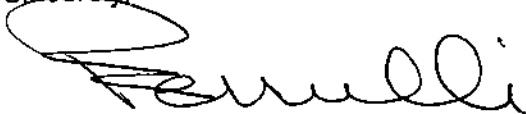
OCFCD has now developed a need for the property; therefore, **this letter is notice to you that OCFCD elects not to continue your month to month holdover beyond December 31, 2007. Your lease, therefore, will terminate as of December 31, 2007 at 11:59PM.**

As provided in the General Lease Conditions, the premises are to be returned "in substantially the same condition that existed immediately prior to Tenant's entry thereon except for reasonable wear and tear, floods, earthquakes, war and any act of war." All personal property, equipment, storage containers, and hazardous materials belonging to you and/or your subtenants are to be removed from the property. We will notify you in the future if we require removal of permanent buildings/structures pursuant to Clause 19 (Ownership of the Improvements) of the Lease. The premises are to be clean and free of all debris.

Please take the necessary steps to inform your subtenants of this notice of termination and advise us within the next 30 days of your intended course of action and plan to vacate the premises by the termination date. We also ask that you not enter into any new subtenant agreements between now and the termination date.

If you should have any questions, please feel free to contact me at (714) 834-3790. It has been a pleasure having you as a tenant and wish you well on future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Ferrulli". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Tony Ferrulli, RDMD/Division Manager, Real Estate/Asset Manager

cc: Rob Richardson, CEO, Administration, PIO/Media Affairs
Herb Nakasone, RDMD/Chief Engineer
Bob Wilson, Director, Internal Services
Allan Roeder, City Manager, City of Costa Mesa



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 20, 2005

ITEM NO:

**SUBJECT: APPEAL OF PLANNING APPLICATION PA-05-30
(SIX-MONTH TIME EXTENSION FOR PA-94-24 AND PA-04-12)
1100 BRISTOL STREET**

DATE: SEPTEMBER 8, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

RECOMMENDED ACTION

Conduct a public hearing and adopt resolution to either uphold, reverse, or modify Planning Commission's decision.

BACKGROUND

At their meeting of August 22, 2005, by a vote of 3 to 2 (Donn Hall and James Fisler voted no), Planning Commission denied Planning Application PA-05-30 to allow a time extension for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility. Commission gave the applicant six months (until March 1, 2006) to vacate the property. On August 25, 2005, Lee Jamieson, owner of Bristol Street Mini Storage (BSMS), appealed the decision because "we ask that the appeal can be heard so that 800 plus people and businesses can again express their desire to have our business continue at the location after 10 years of serving the community".

ANALYSIS

In 1994, the County made the property available for lease for a 10-year period. On April 25, 1994, the Planning Commission approved a conditional use permit (CUP) for a temporary mini-storage facility on the property; however, the CUP would expire on April 25, 2004. On April 12, 2004, the Planning Commission approved the applicant's request to extend the CUP to September 1, 2004, to coincide with the expiration date of the County lease. On August 23, 2004, the Planning Commission granted a further time extension to expire on September 1, 2005, to allow the County of Orange sufficient time to complete a RFB (Request for Bids) process. Bristol Street Mini Storage (BSMS) currently operates pursuant to a month-to-month rental agreement.

Planning Commission denied the latest CUP extension because a number of new developments have been built in the area since the CUP's original approval in 1994.

Commission found that a storage yard comprised of cargo shipping containers is no longer compatible with the area. When Planning Commission approved the one-year time extension in August 2004, it was based on the understanding that the County would accept RFBs in mid-October and a lease could be awarded by the first quarter of this year. The most recent CUP expiration date of September 1, 2005, would have allowed the new lease holder time to secure any necessary permits from the City before the final lease would be signed when BSMS was to vacate the site. However, according to the County's latest RFB schedule, the property will not be offered for public bid until December 2005, and the County cannot guarantee that the site would be leased to a different tenant.

ALTERNATIVES CONSIDERED

If the Planning Commission's decision is upheld, the storage use must vacate by March 1, 2006.

If the Planning Commission's decision is overturned, the County could continue to lease the property to BSMS until March 1, 2006, and would be required to vacate by March 1, 2006, when the permit expires, unless the applicant is granted another time extension prior to the expiration date.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

Legal review is not required.

ENVIRONMENTAL REVIEW

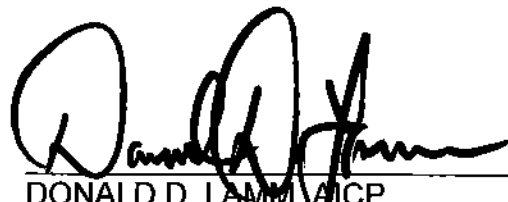
Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

Planning Commission found that the storage facility is no longer compatible with, and does not contribute to, the overall appearance of the area and denied the requested extension of time.



WENDY SHIH
Associate Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachments: Aerial/Location Map
Site Plan
Draft City Council Resolution
Exhibit "A" – Draft Findings
Exhibit "B" – Draft Conditions of Approval
Appeal Application
Minutes of Planning Commission meeting of August 22, 2005
Planning Division Staff Report with Supplemental Information
Planning Commission Resolution
Exhibit "A" – Findings

Distribution: City Manager
Assistant City Manager
Acting City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Lee Jamieson
P.O. Box 82515
Bakersfield, CA 93380

County of Orange
Resources and Development Management Dept.
Attn: Jack Stribling, Real Estate Services
300 N. Flower St.
Santa Ana, CA 92702

File: 092005PA0530Appeal	Date: 090805	Time: 1:30 p.m.
--------------------------	--------------	-----------------



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

May 18, 2001

Neal Warren, Chief
Acquisitions and Management Group
Public Facilities and Resources Division
County of Orange
PO Box 4048
Santa Ana, California 92702-4048

SUBJECT: 1100 BRISTOL STREET, COSTA MESA

Dear Mr. Warren:

This letter is a follow-up to our telephone conversation in March of this year, regarding County-owned property located at 1100 Bristol Street in Costa Mesa.

The approximately 6.2-acre site is currently occupied by an Instant Storage facility, which received a conditional use permit (CUP) from the City of Costa Mesa in April 1994. The CUP (case number PA-94-24) was approved for a 10-year period, and expires on April 24, 2004. The 10-year term was designed to coincide with the 10-year lease which the operator had received from the County.

Although the operator may apply for an extension of the CUP if he is successful in extending his lease with the County, the purpose of this letter is to advise you that the City of Costa Mesa Planning Division will not support such a request. Bristol Street has seen many improvements since 1994, and it is our opinion that the storage facility is no longer compatible with existing and planned developments in the area. Viewed from the adjacent freeway transition roads, the site presents an uninteresting view of the tops of storage containers with no interior landscaping or other relief from the metal roofs and dirt/gravel road surfaces. Given the nature and quality of newer developments constructed or approved on other parcels in the vicinity, the storage facility is not consistent with what is desired on one of Costa Mesa's major commercial arteries.

In addition to advising you of the City's position on extension of the use beyond its initial 10-year term, I would also like to express our disappointment in the level of attention given to the property's impact on the streetscape. Among other concerns

16

77 FAIR DRIVE

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245

FAX (714) 754-1955 • TDD (714) 754-5044

1100 Bristol Street
May 18, 2001
Page 2

is the fact that, seven (7) years after its initial installation, ground cover has still not filled in the front setback area; trees and shrubs are also sparse and/or neglected.

If you have any questions about our position, or if you wish to discuss future use or disposition of the property, feel free to call me at (714) 754-5609.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry L. Valentine". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

PERRY L. VALANTINE
Assistant Development Services Director

c: Donald D. Lamm, Deputy City Manager - Development Services



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2004

CERTIFIED MAIL – RRR

Mr. Herb Nakasone
Director of Public Works/Chief Engineer
County of Orange
Resources & Development Management Department
P.O. Box 4048
Santa Ana, CA 92702-4048

**SUBJECT: FLOOD CONTROL PARCELS F01-311.1 AND 311.2
1100 BRISTOL STREET, COSTA MESA**

Dear Mr. Nakasone:

First, let me congratulate you on your recent promotion to Director of Public Works/Chief Engineer for the County. Word travels slowly to some of us, and I only today became aware of Ken Smith's retirement and your appointment.

I wanted to bring to your attention a matter that is of considerable concern to the City of Costa Mesa. On April 25, 1994, the Costa Mesa Planning Commission approved a limited-term conditional use permit (CUP) for a mini-storage facility on the above-referenced, County-owned property. The CUP was approved for a 10-year period, to expire on April 25, 2004. On April 12, 2004, the Planning Commission extended the CUP to September 1, 2004, to coincide with the term of the County lease.

The purpose of my letter is to ensure that you are aware of the upcoming expiration of the CUP, and to express the City's concern in that we have not seen any evidence that the business is winding down its operations. Since the CUP expires on September 1, 2004, we will expect to see business operations shut down on or before that date, with removal of storage containers and other improvements – with the exception of the front landscaped setback and block wall – to be completed shortly thereafter.

Because of the nature of the use and improvements on the site, its significant visibility from Bristol Street as well as the connector from N/B SR55 to E/B SR73, and the continued improvement of the area due to street improvements and new construction on other properties in the area, the City is not interested in considering further extension of the CUP.

18

July 20, 2004
Mr. Herb Nakasone
Page Two

If you have any questions about the City's position or expectations, or if you would like further background on the subject, please feel free to call me at (714) 754-5609.

Sincerely,


PERRY L. VALANTINE
Assistant Development Services Director

cc: Don Lamm, Deputy City Manager – Dev. Svs. Dir.

Jack Stribling, Real Property Division
County of Orange
Resources & Development Management Department
P.O. Box 4048
Santa Ana, CA 92702-4048

Lee Jamieson
Jaco Oil Company
3101 State Road
Bakersfield, CA 93308



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,

PLEASE CONTACT THE CITY CLERK'S OFFICE AT

(714) 754-5121